

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

IN THE MATTER OF	)	DATE: October 23, 2003
	)	
Herbert J. Huff	)	DOCKET NO.: 03F-201
Deputy Chief Financial Officer (Former)	)	
Office of Tax and Revenue	)	
1 Green Street, #213	)	
Jersey City, New Jersey 07302	)	

**ORDER**

**Statement of the Case**

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Herbert J. Huff, Deputy Chief Financial Officer, Office of Tax and Revenue, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 11, 2003, OCF ordered Herbert J. Huff (hereinafter respondent), to appear at a scheduled hearing on August 26, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

**Summary of Evidence**

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 27, 2003, OCF received a written statement from respondent, via facsimile, stating he resigned from government service in December 2002. Respondent further stated he moved to New Jersey in April 2003, and did not receive OCF's first notice. Respondent asserted he encountered problems with his mail, notwithstanding having filed an address change with the Postal Service. Respondent stated that sometime after filing a second address change, he received OCF's second notice on the day he was leaving the country for five (5) days. Respondent further asserted he did not know he

was required to file until he received OCF's second notice. On June 26, 2003, OCF received an unnotarized Financial Disclosure Statement from respondent, accompanied by a note stating a notarized FDS will follow in seven days. Respondent asserted he mailed the notarized FDS to OCF without making a copy for his files. OCF has no record of receipt of respondent's fully executed FDS to date.

**Findings of Fact**

Having reviewed the allegations and the record herein, I find:

1. Respondent timely filed Financial Disclosure Statements with OCF in 2002, 2001 and 2000.
2. Respondent resigned from government service in December 2002.
3. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
4. Respondent filed an unnotarized Financial Disclosure Statement with OCF that was not fully executed on June 26, 2003.
5. Respondent's explanation for the filing delinquency is credible in that he asserted he had no knowledge of the requirement to file a final FDS after leaving government service, and in that he had difficulty with his mail after relocating to New Jersey.
6. OCF provided notice to file if the filer ceases to serve prior to May 15<sup>th</sup> of any year, and within 30 days of any change in information on its Financial Disclosure Statement form.
7. Respondent was expected to forward a fully executed FDS to OCF.
8. OCF has no record of receipt of respondent's fully executed FDS to date.
9. Respondent has no history of prior filing delinquencies.
10. Respondent is currently not in compliance with the statute.

**Conclusions of Law**

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent has failed to provide a basis for a finding of good cause.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$2,000.00 in this matter, with the provision that such fine be suspended upon OCF's receipt of a fully executed Financial Disclosure Statement.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Jean Scott Diggs**  
**Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Kathy S. Williams**  
**General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that a fine of \$2,000.00 be hereby imposed in this matter, with the provision that such fine be suspended upon OCF's receipt of a fully executed Financial Disclosure Statement.

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**Date**

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**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order.

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**Rose Rice**  
**Legal Assistant**

**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.